been asked to submit its views on the proposed Judges (Enquiry) Bill, 2005 has suggested a whistle-blower clause to protect those who complaints about judges and full confidentiality of complaint proceedings;

(b) if so, the details thereof, and

(c) Government's reaction to the suggestion made by the Law Commission of India ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY) (a) and (b) Yes, Sir. The Law Commission in their 195th Report on Judges (Inquiry) Bill, 2005, suggested that a 'whistleblower's provision may be incorporated in the proposed Bill. They have further recommended that i a complainant under the 'complaint procedure' is aprehensive of reprisals, he should have the right to request the Counsel that his name is to be kept confidential. It has also been recommended that every complainant and every person including a witness and a lawyer who participates in the investigation and inquiry, whether or not he seeks confidentiality about his name, must undertake to the Judicial Council that he shall not reveal his own name, the name of the Judge complained against, the contents of the complaint or any of the documents or proceedings to anybody else including the media without the prior written approval of the Judicial Council and it will be for the Judicial Council to decide when and to what extent the contents of the complaint shall be disclosed.

(c) The recommendations of the Law Commission are being examined with a view to setting up of National Judical Council, modalities for which are being worked out in consultation with all the stake holders.

Power of Election Commission under Article 324

3860. SHRI SHANTARAM LAXMAN NAIK. Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that a number of matters which fall exclusively within the legislative competence of Parliament are covered by the Election Commission of India while issuing orders, guidelines, instructions etc. under article 324 of the Constitution of India;

(b) if so, whether Government have brought these facts to the notice of the Commission; and

(c) if so, the details thereof?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) As per provisions contained in clause (1) of article 324 of the Constitution, the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President held under the Constitution shall be vested in the Election Commission. It is well settled by judicial pronouncements that except in matters in respect of which the competent Legislature has made law and express Rules thereunder, the Election Commission has full executive powers to give effect to the provisions of clause (1) of article 324 of the Constitution of the Constitution in conformity with the Acts and Rules made thereunder by issuing orders, instructions and guidelines.

(b) No, Sir.

(c) Does not arise.

Increase in retirement age of Judges in High Courts

3861. SHRI SANJAY RAUT:
SHRI ABU ASIM AZMI:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether any representation has been received from organization for increasing retirement age of Chief Judges of High Courts to 65 to 62 years as in the case of Judges of Supreme Court;

(b) if so, whether any action has been taken thereon;

(c) if so, the details thereof; and

(d) whether Government are proposing any legislation in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) to (d) The National Commission to Review the Working of the Constitution (NCRWC) recommended that the retirement age of the Judges of the High Court should be increased to 65 years and that of the Judges of the Supreme Court should be increased to 68 years.